

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u><b>September 27, 2006</b></u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u><b>2006-97-WS</b></u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		<u></u>

**SUBJECT:**

DOCKET NO. 2006-97-WS - Application of Tega Cay Water Service, Incorporated for Adjustment of Rates and Charges and Modifications to Certain Terms and Conditions for the Provision of Water and Sewer Service – Discuss this matter with the Commission.

**COMMISSION ACTION:**

Mr. Chairman, at the outset I would point out that the parties in this case have failed – indeed refused – to furnish complete information on several issues, including an ORS-proposed water audit and various customer service issues. The Commission's questions to the parties were appropriate to this case, as they concern issues regarding customer service and the soundness of the company's operations. The parties' unwillingness to answer unresolved questions from the record in this case gives the Commission ample basis for denying approval of the proposed settlement.

The parties apparently take the position that once they have proposed a settlement agreement to this Commission, that we had no independent authority to review the Settlement and pose additional questions to them about issues concerning the case. I believe that this is a mistaken view of the law. We have an independent duty to make sure that any settlement agreement results in just and reasonable rates for a Company's customers and I would move that our final order in this case reflect these concerns.

I believe that the evidence provided in this case is so deficient that it is within the Commission's discretion to deny the requested increases. However, in spite of the weakness of the information provided by the parties to support their settlement, I am reluctantly convinced that the settlement rates, which are much lower than those originally applied for, should be approved.

I am satisfied that the other matters of concern to the Commission can be addressed administratively through action taken outside of this case, such as through reports and inspections requested pursuant to Subsections 58-3-190 and 58-3-200 and other appropriate measures. That is not to say that the mechanisms provided by these statutes will necessarily be sufficient to address the Commission's concerns in other cases, but I believe that they will be adequate in this matter.

I therefore move that the proposed settlement agreement be approved. I also move that any Order in this case should reflect the Commission's independent duty to review the terms of a settlement agreement between the parties.

I also move that any outstanding objections should be overruled. Mr. Chairman, I so move.

PRESIDING Hamilton

	MOTION	YES	NO	OTHER
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MOSELEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Session: Regular

Time of Session 2:30 PM

APPROVED ☐

APPROVED STC 30 ☐

DAYS

ACCEPTED FOR FILING ☐

DENIED ☐

AMENDED ☐

TRANSFERRED ☐

SUSPENDED ☐

CANCELED ☐

SET FOR HEARING ☐

ADVISED ☐

CARRIED OVER ☐

RECORDED BY T. DeSanty